

# SUMMARY OF ETHICS RULES NATIONAL TECHNICAL AND INFORMATION SERVICE 2010

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**ETHICS LAW AND PROGRAMS  
DIVISION  
OFFICE OF THE ASSISTANT  
GENERAL COUNSEL FOR  
ADMINISTRATION  
UNITED STATES DEPARTMENT  
OF COMMERCE  
202-482-5384  
ethicsdivision@doc.gov  
www.ogc.doc.gov/ethics.html  
August 14, 2009**

## PUBLIC SERVICE IS A PUBLIC TRUST

As an employee of the National Technical Information Service (NTIS), you have been placed in a position of trust and are held to a high standard of ethical conduct. This handout contains a summary of the rules set forth in conflict of interest statutes and the *Standards of Ethical Conduct for Employees of the Executive Branch*. You should retain this handout for use as a reference source. The first part of the handout contains a basic summary of ethics rules; the second part provides specific guidance for NTIS employees regarding some of the ethics rules.

**For advice about ethics rules, contact the Ethics Law and Programs Division of the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, at 202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov).**

Designated Agency Ethics Official:  
Cameron F. Kerry, General Counsel

Alternate Designated Agency Ethics Official:  
Barbara S. Fredericks, Assistant General Counsel for Administration

### **Office of the Assistant General Counsel for Administration**

To obtain legal advice regarding other administrative law issues, call the:

Employment and Labor Law Division at 202-482-5017 – for advice regarding personnel law and labor law issues

General Law Division at 202-482-5391 – for advice regarding appropriations laws and laws regarding the release of information, conduct of advisory committee meetings, and general administrative law issues.

**Office of Inspector General** – The Ethics Law and Programs Division provides advice but does not investigate allegations of violations of law. To report fraud, waste, abuse, or other violations of law, or to request an investigation, call the Office of Inspector General Hotline at 800-424-5197 or 202-482-4661 or email [hotline@oig.doc.gov](mailto:hotline@oig.doc.gov).



## FINANCIAL CONFLICTS OF INTEREST

NTIS

### **Basic Principle: No Self-Dealing**

**General Rule.** You may not participate as a Government official in a matter that will have a direct and predictable effect on your financial interests; on the financial interests of your spouse, minor children, household members, general partners, outside employers, or prospective employers; or on the financial interests of an organization in which you serve as a trustee, officer, or board member. This includes a matter that affects a company in which you own stock.

**Exemptions from the General Rule.** Exemptions permit you to participate in matters affecting a financial interest if the financial interest is:

- a holding in a diversified mutual fund;
- a holding in an industry sector-specific mutual fund or geographic sector-specific mutual fund of \$50,000 or less (if interests in all such funds in the same sector are \$50,000 or less);
- a publicly-traded stock or bond holding of \$15,000 or less;
- a publicly-traded stock or bond holding of \$25,000 or less with regard to a matter in which the entity is not a named party (and if total holdings in all affected entities are \$25,000 or less or, if it is a broad policy matter, if total holdings in the industry or group affected by the matter are \$50,000 or less); or
- not substantial and for which you have received a conflict of interest waiver through the Ethics Law and Programs Division. (Such waivers are generally available only for employees serving overseas under current Department policy.)

**Waivers.** Waivers of the disqualification requirement may be granted with regard to interests that are not covered by one of the exemptions but that are not substantial; however, current Department policy is to rely on the exemptions listed above rather than issue individual waivers. Nevertheless, if you believe that a waiver is appropriate in a particular case, contact the Ethics Law and Programs Division at 202-482-5384.



## APPEARANCES OF BIAS (NON-FINANCIAL CONFLICTS OF INTEREST)

NTIS

### Basic Principle: No Special Favors

**Appearances of Impropriety concerning Participating in Matters Involving Relatives and Associates.** Unless you receive specific authorization, you may not participate in a matter as an NTIS employee if one of the parties to the matter is (or is represented by) a person with whom you have a close family or business relationship (a “covered relationship”), if your participation would create an appearance of loss of impartiality.

Persons with whom you are considered to have a “covered relationship” include:

- persons with whom you have or are seeking a business or a financial relationship (other than a routine consumer transaction);
- members of your household;
- your close relatives;
- employers and clients of your parents, dependent children, and spouse (and their prospective employers and clients);
- former non-Federal employers and clients (for a one-year period, or a two-year period if you received an extraordinary severance payment from the former employer before entering into Federal service); and
- organizations in which you are an active participant (other than political organizations).

**Exceptions.** Authorization to participate in a matter in which one of these persons or entities is a party (or represents a party) may be granted if NTIS’s need for your participation outweighs appearance concerns. To seek such an authorization, contact the Ethics Law and Programs Division at 202-482-5384.



## GIFTS, BRIBES, AND SALARY SUPPLEMENTATION

NTIS

### Basic Principle: Avoid Undue Influence

**Bribes and Salary Supplementation.** You may not ask for or accept payment for taking or failing to take action as a Federal employee or for performing your Government job.

**Personal Gifts.** Generally, you may not accept a gift from anyone who has (or is seeking) a contract, grant, or other business with the Department; that is regulated by the Department; or has interests that may be affected by performance of your NTIS duties. You also generally may not accept a gift that is offered because of your NTIS position. Gifts to your spouse or minor children are considered gifts to you in most circumstances. However, *exceptions* permit you to accept:

- gifts of \$20 or less (other than cash) (up to \$50 per year from the same donor);
- gifts from relatives or friends (if based on a personal relationship);
- invitations to widely-attended events (if from the host (generally) and if your supervisor approves your attendance as being in NTIS's interest);
- discounts available to a broad range of persons;
- awards and honorary degrees (in specified circumstances);
- meals, lodging, transportation, and other benefits based on outside employment;
- business meals overseas, if a foreign citizen is present (up to the *per diem* for the city); and
- gifts from a foreign government of \$335 or less—gifts of over \$335 may be accepted, but become property of the United States Government.

**Gifts between Employees.** In general, you may not offer a gift to a supervisor or accept a gift from a subordinate. However, *exceptions* permit you to accept or give:

- a gift for a major life event (such as a child's birth, a retirement, or a wedding);
- items of \$10 or less given occasionally;
- food shared in the office; and
- personal hospitality at one's home or a gift to a host or hostess.

**Gifts to NTIS.** With approval, you may accept a gift for NTIS activities, including travel (if unsolicited), if acceptance would not appear improper; this generally precludes accepting gifts from a donor that is an NTIS contractor.



## OUTSIDE EMPLOYMENT AND ACTIVITIES

NTIS

### **Basic Principle: Avoid Divided Loyalties**

**General Rule on Outside Employment.** You may not engage in outside employment or any other outside activity that conflicts with your NTIS position, including employment that requires disqualification from significant Government duties and activities that create an appearance of using public office for private gain. There are special rules for practicing law, writing or teaching for compensation, and working overseas. Call the Ethics Law and Programs Division for specific advice regarding these special rules.

**Working for a Foreign Government.** The U.S. Constitution bars you from working for, or accepting any compensation from, a foreign government, absent statutory approval. However, NTIS employees are permitted to receive fellowships from foreign governments in some circumstances.

**General Rule on Contacting the Government and Receiving Payments for Communications by Others.** You may not, in general, act as an agent or attorney or, if paid, otherwise represent anyone before any Federal agency or Federal court in your personal capacity. Representation includes any contact made on behalf of someone else with the intent to influence Government action. In addition, you are barred from receiving any payment that is based on the representational activities of someone else, such as a partner, before a Federal agency or Federal court during a period in which you served as a Federal employee.

**Exceptions to the Rule on Contacting the Government.** You may represent other Federal employees in some personnel disputes if you do not receive compensation and you may represent your parents, spouse, or children, or an estate or trust, if you receive prior approval. You also may represent, without compensation, professional, recreational, and similar groups before the Government if the majority of the organization's members are Federal employees or their spouses or dependents, and if the matter does not involve claims against the Government, proceedings in which the organization is a party, or Government financial benefits to the organization. Contact the Ethics Law and Programs Division (202-482-5834) if you need to obtain prior approval or advice.



## POLITICAL ACTIVITIES

NTIS

### **Basic Principle: Keep Government and Political Activities Separate**

**General Restrictions concerning Engaging in Political Activities.** You may not engage in partisan political activities while on Government premises or while on official duty. You also may not use the authority of your Government position or Government resources, including equipment, services, or your official title, in connection with partisan political activities. In addition, you may not:

- accept or receive a political contribution;
- personally solicit political contributions or host a political fund-raiser;
- run as a candidate in a partisan election (except as an independent candidate in local elections in the Washington, D.C. suburbs and other designated areas); or
- solicit or accept volunteer services from a subordinate.

(However, an exception to the rule against political fund-raising lets a union member solicit other union members who are not subordinates for contributions to a multi-candidate political committee of the union.)

**Permissible Activities.** Except as indicated in the above restrictions, you may actively engage in political campaign activities during non-duty hours (unless you are a career member of the SES or an administrative law judge). Permissible activities include:

- assisting in the management of a campaign;
- serving as an officer in a political organization;
- soliciting votes (but not funds) for a candidate;
- giving speeches on behalf of a candidate or party;
- making telephone calls or stuffing envelopes on behalf of a campaign; and
- speaking at a fund-raising event (if you do not ask for funds and are listed as a guest or speaker and not as a host of the event).

**Special Rules for Career SES Members.** If you are a career member of the Senior Executive Service, you may not actively assist in the conduct of a partisan campaign or serve as an officer in a political organization, even during non-duty hours. However, during non-duty hours you may actively participate in nonpartisan elections and non-candidate campaigns, such as for referenda. Regarding partisan candidate campaigns, you may vote, make contributions, sign nominating petitions, and engage in similar activities.



## MISUSE OF GOVERNMENT POSITION AND RESOURCES

NTIS

### Basic Principle: Do Not Steal

**Use of Government Resources.** You may use Government resources only for authorized Government activities. Such resources include Government equipment, supplies, and services, and the time of Government personnel. You may not use information you receive in the course of Federal service for personal purposes, unless the information is also available to the public. However, you may use frequent flier miles and other benefits you earned from Government travel for personal purposes, including personal travel or upgrades for official travel.

**Rule on the Use of the Internet and E-mail.** You may use access to e-mail and to the internet for personal activities if such use does not interfere with the business of your office and is not prohibited by your agency, *provided that* you do not use access for:

- obtaining or viewing sexually explicit material;
- the pursuit of private commercial business activities or profit-making ventures;
- partisan political activities;
- prohibited lobbying activities;
- uses that result in additional charges to the Government;
- engaging in prohibited discriminatory conduct;
- any activity that would bring discredit on the Department; or
- any violation of a statute or regulation.

You may also use office printers for personal internet and e-mail uses, provided it does not consume excessive resources.

**Use of Government Position.** You may not use your Government authority, including business contacts obtained through your Government employment, for personal activities. In addition, you may not use your NTIS title in connection with a non-Government activity, except that you may use your Government title in connection with personal activities as part of general biographical data if it is given no more prominence than other significant biographical details.





## SEEKING EMPLOYMENT AND POST-EMPLOYMENT ACTIVITIES

NTIS

### Basic Principle: Avoid Divided Loyalties

**Seeking Employment.** Once you begin to seek non-Federal employment, you must disqualify yourself from working as an NTIS employee on any matter that will affect a prospective employer. This disqualification continues until either you or the prospective employer indicate a decision not to pursue the matter further (or until two months with no response after submitting a résumé). If you are participating in a procurement over \$100,000, you must give written notice to your supervisor and the Ethics Law and Programs Division of employment contacts with or from a competing contractor.

**Post-Employment Restrictions.** After you leave Federal service, you may not:

- contact a Federal agency or court on behalf of someone else to influence Government action concerning a specific-party matter on which you worked;
- for two years, contact a Federal agency or court on behalf of someone else concerning a specific-party matter on which a subordinate of yours worked during your last year of Federal service;
- for one year, contact anyone in NTIS, if you served as a “senior employee” (base pay equal to or greater than \$155,440 per year (base pay excludes locality pay)) on behalf of someone else;
- for one year, advise (or represent before the U.S. Government) a foreign government or foreign political party, if you served as a “senior employee;”
- disclose or use protected nonpublic Federal information, such as information obtained during a treaty negotiation, private personnel information, trade secrets or proprietary business information, and national security information; or
- for one year, accept compensation from the winning contractor of a major procurement (over \$10,000,000), if you served as a procurement official or program manager.

**Exceptions and Special Post-Employment Rules.** There are exceptions to some post-employment rules regarding testimony under oath, and representing state and local governments, international organizations, educational institutions, and medical institutions. Additional restrictions apply to attorneys, and to former employees who received buyouts. Contact the Ethics Law and Programs Division for a handout on all post-employment restrictions and guidance and their application to specific situations.



## FINANCIAL DISCLOSURE

NTIS

### Basic Principle: Tell the Whole Truth

**Guidelines for Filing a Financial Disclosure Report.** If you serve in a position in which your activities could have a substantial impact on the public, you may be required to file a financial disclosure report. Such reports are due when you are appointed to such a position and annually thereafter. The information requested on such forms—financial investments, liabilities, gifts, non-Federal positions, and arrangements with past and future employers—is information relevant to the ethics rules discussed in this handout. Ethics officials review the reports in order to identify potential conflicts of interest and to advise you on means to resolve any problem. For this system to work effectively, you must file your report on time and you must list all information requested as completely and clearly as possible.

**Specific Guidance.** When filling out your report, please:

- sign and date the report;
- if reporting an IRA or 401(k) plan, identify the specific holdings in the account;
- do not list as a gift payments for Government travel—these are gifts to the Government and should be reported on a Form CD 210 and a Form SF 326; and
- if listing an investment in, or position with, a closely-held company or partnership, identify the nature of the business and its location (city and state).

Remember that this information is used to provide advice to you, so the information you include on your report must be specific and complete in order to be useful.

For further advice on ethics rules, contact the  
Ethics Law and Programs Division  
of the Assistant General Counsel for Administration,  
U.S. Department of Commerce, at  
202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov).



**GUIDANCE FOR EMPLOYEES  
OF THE  
NATIONAL TECHNICAL INFORMATION SERVICE**

NTIS

## **Financial Conflicts of Interest**

Providing Services – The restriction on participating in matters affecting a company in which you have financial interests does not bar you as part of your NTIS duties from providing documents or data available to members of the public to companies in which you have financial interests. The restriction applies to participating in matters in which there is discretion with regard to services provided, not routine responses to requests for documents. You are restricted from participating in contracts or policy decisions affecting companies in which you have investments, unless an exemption applies because of the minimal value of your holdings.

## **Appearances of Bias (Non-Financial Conflicts of Interest)**

Providing Services – As with financial conflicts of interest, the restriction on participating in matters in which one of the parties (or one of the party's representative) is someone with whom you have a close personal or business relationship does not prohibit you as part of your NTIS duties from providing documents or data available to members of the public to persons or organizations with which you have close ties. Performing such services would not likely create an appearance of loss of impartiality. You are barred, however, from participating in NTIS activities in which there is considerable discretion as to what actions the agency would take regarding the matter, if one of the parties is, or is represented by, someone with whom you have a "covered relationship."

## **Gifts, Bribes, and Salary Supplementation**

Widely-Attended Events – You may be invited to an event, such as a dinner, lunch, or reception, held by a company or organization with interests in NTIS activities. You may attend such an event if: (1) the value of the invitation is \$20 or less (and total gifts you received from the person or firm inviting you will remain \$50 or less for the year), or (2) your supervisor approves your attendance as in the interest of NTIS (and, if the invitation is not from the host, more than 100 persons are attending and the value per person is \$335 or less). To an event for which you received supervisory approval to attend, you may also bring your spouse or an accompanying guest if other persons invited are also allowed to bring a spouse or accompanying guest. However, you may not attend such an event if it is primarily entertainment in nature, such as a concert or sports event. A supervisor reviewing such a request for approval must carefully consider the benefit the agency will receive and determine whether there will be any adverse public reaction to a

NTIS employee attending the event and, if so, whether the benefit outweighs the appearance of impropriety. To assist supervisors, the Ethics Law and Programs Division will provide a form for your supervisor to sign that describes all the factors that must be considered before approval is given.

Soliciting Gifts for NTIS Programs – NTIS may solicit, as well as accept, gifts (other than travel gifts) to support agency programs, provided that the gifts do not present an appearance of loss of impartiality with regard to NTIS programs or employees. This authority has been used in the past to obtain funding in support of conferences and similar events. However, it is important that any solicitation program be conducted in a manner that ensures fairness and avoids any appearance of preferential treatment to donors with regard to agency operations. Thus, solicitations should be broad-based, made to trade associations or groups representing a broad spectrum of companies or to a broad spectrum of interested companies. Sponsorship arrangements may not include an agreement of exclusivity (i.e., sponsors may not bar acceptance of donations from competing companies) and may not include arrangements for donors to have special access to Government officials or to Government information. Before soliciting gifts, you should seek specific guidance from the Ethics Law and Programs Division at 202-482-5384.

Gifts from a Foreign Government – Due to a change in law in 2008, gifts from a foreign government of \$335 or less may be accepted and retained by an employee for personal use. Gifts of greater value are accepted on behalf of the United States Government. Prior to 2008, the value of gifts that could be retained was \$305.

## **Outside Employment and Activities**

Service with Non-Federal Organizations – As noted above, if you serve as an officer or director of an outside organization, such as a professional society, you may not participate as an NTIS employee on any matter that is likely to affect the financial interests of the organization. This may preclude you from serving with organizations that are active in matters before your office. If it would benefit NTIS to have an official relationship with a private organization, you may be assigned as a liaison to the organization, in which case your service with the organization would be in an official capacity, rather than a personal capacity. However, you may not be assigned to serve in an official capacity as an officer or director of a non-Federal organization (other than a standards-setting body).

Representing Others Before Federal Agencies – Employees in NTIS, like all Executive Branch employees, are barred from serving as an agent or attorney for, or, if paid, otherwise representing, anyone before any Federal agency or Federal court. This generally bars any contacts made with the intent of influencing Government action. However, you may contact other agencies in an official capacity if the communication supports an agency program, such as a letter of recommendation for a subordinate or a contractor.

## **Political Activities**

Use of Access to E-Mail – It is important that you do not send, or even forward, political messages using your Government e-mail account or your Government computer to access a private e-mail account. Such use of Government resources is an improper political activity and is the most frequent basis for referrals to the Office of Special Counsel for disciplinary action.

## **Misuse of Government Resources**

Protection of Information – As an NTIS employee, your duties probably concern providing information to the public; however, you must be careful to safeguard non-public information to which you may have access, including information prior to its approval for release.

## **Seeking Employment and Post-Employment Activities**

Definition of “Senior Employee” – The definition of “senior employee” for purposes of post-employment restrictions means anyone receiving base pay equivalent to or greater than 86.5% of Executive Level II, which, in 2010 is equal to or greater than \$155,440. If your base pay is this amount, you will be subject to the one-year “no-contact” rule and the restrictions on representing or advising foreign governments.



## CITATIONS TO APPLICABLE LAW

NTIS

### **Financial Conflicts of Interest**

18 United States Code (U.S.C.) § 208

5 Code of Federal Regulations (C.F.R.) §§ 2635.401-2635.403, 2635.502,  
2640.201-2640.202

### **Appearances of Bias (Non-Financial Conflicts of Interest)**

5 C.F.R. §§ 2635.501-2635.503

### **Gifts, Bribes, and Salary Supplementation**

5 U.S.C. §§ 7342, 7351, and 7352; 15 U.S.C. § 1522; 18 U.S.C. §§ 201 and 209

5 C.F.R. §§ 2635.201-2635.205, 2635.301-2635.304; 41 C.F.R. Part 304-1

Department Administrative Order 203-9

### **Outside Activities and Lobbying the Government**

18 U.S.C. §§ 203, 205, and 208

5 C.F.R. §§ 2635.801-2635.809

### **Political Activities**

5 U.S.C. §§ 7321-7326

5 C.F.R. §§ 734.201-734.702

### **Misuse of Government Position and Resources**

18 U.S.C. § 641

5 C.F.R. §§ 2635.701-2635.705

Department of Commerce Internet Use Policy

### **Seeking Employment and Post-Employment Activities**

18 U.S.C. § 207; 41 U.S.C. § 423

5 C.F.R. Parts 2635, 2637, and 2641; 15 C.F.R. §§ 15.11-15.18; 37 C.F.R. Part 10

*Prepared by the Ethics Law and Programs Division, Office of the Assistant General Counsel for  
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